

CIA INTERNAL USE ONLY

16 June 1955

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MEMORANDUM FOR: Deputy Director (Support)

SUBJECT : Proposed Legislation for CIA

REFERENCES : (a) Memorandum for DD/S from Legislative Counsel, dated 2 May 1955, same subject

(b) Memorandum for DD/S from Director of Personnel, dated 31 May 1955, same subject

1. The proposed Central Intelligence Agency Act Amendments of 1955, prepared by the Legislative Counsel and the memorandum from the Director of Personnel regarding the proposed amendments have been reviewed by this Office.
2. This Office is in favor of amending our legislation at this time. While legislation supported by the Administration and generally applicable to the Federal service may possibly be passed during this Congress, we believe that all new or revised legislative amendments required to carry out the Agency's statutory responsibilities should be submitted to Congress at one time.
3. Comments and/or concurrences on the proposed changes are as follows:

#### Sec. 2 Revision of Section 5 (a) of P.L. 110

This Office concurs in the necessity for an amendment to this section. The deletion of the words "its territories, and possessions," is approved. While there is existing legislation on this subject that is applicable to the Federal service in general (5 U.S.C. 835-842), it is believed that the benefits desired to be extended to Agency personnel on TDY should be specifically set forth in a new sub-section 5 (c) as follows:

- 5 (c) Under such regulations as the Director may prescribe, the Agency, with respect to its officers and employees assigned to temporary duty stations outside the continental United States, shall pay the travel expenses of officers and employees of the Agency and expenses as set forth in Sections 5 (a) (5) (A), 5 (a) (5) (C), and 5 (a) (6).

#### Sec. 3 Revision of Section 5 (a) (1) of P.L. 110

This Office believes that specific authority should be provided for the reimbursement of educational travel grants and concurs in the proposed amendment. However, a question is raised as to whether the proposed amendment would provide for reimbursement of transportation to a

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different station outside the continental United States from which the dependent departed to attend school. Since many of the employees will be serving on another tour at another overseas post when the dependent completes his secondary or college education, any amendment for travel grants should provide for transportation to another post in the event the employee is on another tour at another post when return transportation for the dependent is due to be made.

✓ Sec. 4 Revision of Section 5 (a) (3) (A) of P.L. 110

It is recommended that this section be amended in line with the comments made by the Director of Personnel, paragraph 3.b. (Reference b).

✓ Sec. 5 Revision of Section 5 (a) (3) of P.L. 110

The Office of the Comptroller approves of the amendment providing home leave. Should the code reference in the proposed amendment be 5 U.S.C. 2062 (f) rather than 5 U.S.C. 2061, as cited?

✓ Sec. 6 Revision of Section 5 (a) (5) (D) of P.L. 110

This Office concurs in the proposed amendment.

✓ Sec. 7 Revision of Section 5 (b) of P.L. 110

It is our opinion that the Agency already possesses the authorities provided in Sec. 901 (2) of the Foreign Service Act of 1946 as amended by Public Law 22, 84th Congress and that this amendment is unnecessary. In the absence of a provision at the end of P.L. 22, Section 10 (a) and 10 (b) to the contrary, we believe that it was the intent of Congress that all authorities included in this section of the Foreign Service Act of 1946 as amended, be extended to CIA.

✓ Sec. 8 Revision of Section 6 (f) (1) of P.L. 110

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It is recommended that this section be amended to provide for an increase in the number of retired officers that may be hired by the Agency.

It is also recommended that we seek legislative approval to add a new ision (g) under Section 6 of P.L. 110 as follows:

Make payments without regard to section 3648, Revised Statutes when made (1) in compliance with the laws of foreign countries or their ministerial regulations, (2) for rent in such countries for such period as may be necessary to accord with local custom, or (3) for tuition.

A similar provision making a permanent law is included in the Department of Defense (1956) Appropriation Bill. It was recommended by the Director of Personnel in paragraph 5, (Reference b) that a provision be made for advance payments of educational advances. In addition, this would permit payments in advance for expenses in foreign countries when required by law or custom such as for leases and utilities.

E. R. SAUNDERS  
Comptroller

HM:jh (16 June 55)

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21 June 1955

**Agenda on Proposed Legislation for CIA - (Meeting with DD/S on 21 June 1955)**

- ✓ 1. Should CIA seek its own legislation, where similar authority on a government-wide basis is pending in Congress or is being prepared for submission by the administration. (Par. 2 of Personnel Memorandum of 31 May 1955; Par. 2 of Comptroller Memorandum of 16 June 1955).
2. Should CIA seek its own legislation on home leave, <sup>yes</sup> in view of government-wide proposals in this field? If so, should CIA follow the Foreign Service limitation on accruals <sup>yes</sup> (Par. 2b of Personnel Memorandum). What period of overseas service shall be required prior to being allowed statutory home leave? (Par. 3b of Personnel Memorandum; Par. 3 of Comptroller Memorandum).
3. Does CIA have authority to adopt certain provisions of the Foreign Service Act Amendments of 1955 (P.L. 22). (Par. 2a of Personnel Memorandum; Par. 3 of Comptroller Memorandum).
4. May the travel authority for payment of travel of dependent children to place of education, proposed in Sec. 3, be authorized by the DCI, so that special CIA legislation will not be needed? (Par. 2a (1) of Personnel Memorandum). Should proposed CIA legislation authorize advancement of funds for educational allowances? (Par. 5 of Personnel Memorandum; Par. 3 of Comptroller Memorandum). Should these educational allowances be extended to the children of foreign national employees? (AD/OC Memorandum).
5. May the cost of living, educational, and home transfer allowances, proposed in Sec. 7, be authorized by the DCI, so that special CIA legislation will not be needed? (Par. 2a (1) of Personnel Memorandum).
6. May the cost of inoculations and physical examinations of dependents going overseas, proposed in Sec. 6, be authorized by the DCI, so that special CIA legislation will not be needed? (Par. 2a (1) of Personnel Memorandum; Par. 3 of Comptroller Memorandum). Should CIA seek statutory authority to extend the law, authorizing payment of travel costs to nearest medical facility, to dependents? (Par. 3c of Personnel Memorandum). Shall the provisions of Sec. 5 (a) (5) (C) be extended? (Par. 3d of Personnel Memorandum). What about medical care for dependents?

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7. Should differentials be included in Sec. 7 of proposed CIA legislation? Will Sec. 10 (b), P.L. 110 cover representation allowances? (Par. 4 of Personnel Memorandum).

8. Should additional authority be sought as suggested in Par. 4. of Comptroller's Memorandum?

9. Is Sec. 2 of the CIA proposals too broad particularly in its applicability to personnel overseas on TDY and the scope of its geographic coverage. (Par. 3a of Personnel Memorandum; Par. 3 of Comptroller Memorandum).

10. How many additional retired officer slots should be requested by proposed CIA legislation? (Par. 5c of Personnel Memorandum; Par. 3 of Comptroller Memorandum).

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the Central Intelligence Agency Act Amendments of 1955 .

Sec. 2. Section 5 (a) of the Act entitled the Central Intelligence Agency Act of 1949 , approved June 20, 1949, (62 Stat. 209; 50 U.S.C. 403 e.), as amended, is amended by striking out "permanent-duty" and "its territories, and possessions, in the first sentence thereof.

Sec. 3. Section 5 (a) (1) of such Act is amended by inserting at the end thereof a new subsection "G" which shall read as follows:

(G) pay the travel expenses incurred by an officer or employee of the Agency who is assigned to a post outside the continental United States, in transporting dependents to and from United States ports of entry designated by the Agency, to obtain an American secondary or college education, not to exceed one trip each way for each dependent for the purpose of obtaining each type of education.

Sec. 4. Section 5 (a) (3) (A) of such Act is amended to read as follows:

(3) Order to the United States or its Territories and possessions on leave of absence as provided by law, every officer and employee of the Agency who was a resident of the United States or its territories and possessions at time of employment, upon completion of two years' continuous service abroad, or as soon as possible thereafter.

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Sec. 5. Section 5 (a) (3) of such Act is amended by inserting at the end thereof a new subsection (D) which shall read as follows:

"(D) The provisions of Section 203 (f) of the Act entitled the "Annual and Sick Leave Act of 1951", approved October 30, 1951, (65 Stat. 679; 5 U.S.C. 2061), and as may hereafter be amended, shall be applicable to officers and employees of the Central Intelligence Agency.

Sec. 6 Section 5 (a) (5) (D) of such Act is amended by inserting "and their dependents" after the word "Agency" and again at the end of the section immediately before the period.

Sec. 7 Section 5 (b) of such Act is amended by striking out all of the words of the section after the word "Agency" and inserting the following:

(1) allowances, wherever Government owned or rented quarters are not available, for living quarters, heat, light, fuel, gas, and electricity, including allowances for the cost of lodging at temporary quarters, incurred by an officer or employee of the Agency and the members of his family upon first arrival at a new post, for a period not in excess of three months after such first arrival or until the occupation of residence quarters, whichever period shall be shorter, up to but not in excess of the aggregate amount of the per diem that would be allowable to such officer or employee for himself and the members of his family for

such period if they were in travel status;

(2) cost-of-living allowances, whenever the Director shall determine--

(A) that the cost of living at a post abroad is proportionately so high that an allowance is necessary to enable an officer or employee of the Agency at such post to carry on his work efficiently;

(B) that extraordinary and necessary expenses, not otherwise compensated for, are incurred by an officer or employee of the Agency incident to the establishment of his residence at any post of assignment abroad or at a post of assignment in the continental United States between assignments to posts abroad;

(C) that an allowance is necessary to assist an officer or employee of the Agency who is compelled by reason of dangerous, notably unhealthful, or excessively adverse living conditions at his post abroad or for the convenience of the Government to meet the additional expense of maintaining his wife and minor children elsewhere than in the country of his assignment;

(D) that extraordinary and necessary expenses, not otherwise compensated for, must be incurred by an officer or employee of the Agency, by reason of his service abroad,



in providing for adequate elementary and secondary education for his dependents; allowances under this subparagraph for any post shall not exceed the cost of obtaining such educational services as are ordinarily provided without charge by the public schools of the United States plus, in those cases where adequate schools are not available at the post, board and room, and periodic transportation between the post and the nearest locality where adequate schools are available; if any such officer or employee employs a less expensive method of providing such education, any allowance paid to him shall be reduced accordingly; no allowance shall be paid under this subparagraph for a dependent for whom a travel allowance has been paid under subsection 5 (a) (1) (G);"

Sec. 8. Section 6: (f) (1) of such Act is amended by striking out "fifteen" and inserting in lieu thereof the following: "\_\_\_\_\_."

EXPLANATION OF SECTIONS

Section 1. Normal enactment language and provision for citing the Act.

Section 2. This revision deletes the requirement that certain of the benefits of Section 5. be available only to persons permanently assigned and makes people serving temporarily abroad, whether on TDY or detail, to be eligible for benefits. In addition, the deletion of the words "its territories and possessions" enable the Agency by regulation to treat certain territories and possessions as foreign areas, thus making certain benefits available, such as quarters allowance and transfer allowances. Also, privately-owned automobiles could be shipped at Government expense. At present, these benefits are not available to persons stationed in territories and possessions.

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Section 4. This provision is necessary in order to order persons to the United States for leaves of absence. The existing Section 5. (a) (3) (A) is obsolete in that the code refers to certain sections which have been repealed by the Annual

and Sick Leave Act of 1951. In turn, that Act is proposed for amendment by HR 3820.

Section 5. This is a new subsection and grants CIA the benefit of home leave which is presently available to Foreign Service Officers in the amount of one week for each four months. Although HR 3820 makes certain adjustments to Section 203(i) of the Annual and Sick Leave Act of 1951, the words "and as may hereafter be amended" will automatically incorporate such changes into the CIA Act. HR 3820 proposes to authorize Foreign Service-type home leave for most Government employees stationed abroad.

Section 6. The amendments proposed here are substantially similar to Section 12 of Public Law 22 which section amends Section 943 of the Foreign Service Act of 1946. The purpose of the amendment is somewhat technical in that physical examinations and the cost of inoculations are presently furnished for dependents, but a question has been raised as to whether or not expenses for this purpose are authorized by the present wording.

Section 7. Originally 901 (1) and 901 (2) of the Foreign Service Act of 1946 were incorporated by reference in Section 5. (a). It is proposed that an extract of the pertinent parts of Section 901 be included and include the amendments made by Public Law 22 which permit transfer allowances upon

transfers from abroad to the United States and authorize payment by the Government of extraordinary and necessary expenses in connection with expenses of tuition paid by an employee for his dependents' education.

Section 8. This amendment simply raises the number of retired officers authorized to be appointed by Section 6. (f) (1) of PL. 110 from fifteen to the specified number.